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July 2, 2008

VIA FACSIMILE 212-805-6382
ATTN: Hon. Victor Marrero, U.S.D.J.
United States District Court
Southern District of New York
Suite 660
United States Courthouse
500 Pearl Street
New York, New York 10007

USDS SDNY
DOCUMENT
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Re: *Felicia Pickett-Johnson v. St. Barnabas Nursing Home*
Docket No.: 08 Civ. 2188
Our File: EMP-16677-DHA

Dear Honorable Sir:

Our office represents St. Barnabas Nursing Home, one of the defendants in the instant action.

As Your Honor aware, counsel for co-defendant Ronald Granger has filed a motion to dismiss plaintiff's Complaint pursuant to Rule 12(b)(6), presently returnable July 18, 2008. Pursuant to Section II(A) of Your Honor's Individual Rules, we respectfully request a Pre-Motion Conference with respect to filing a motion or cross-motion on behalf of St. Barnabas Nursing Home for judgment on the pleadings pursuant to Rule 12(c).

Hon. Victor Marrero, U.S.D.J.

July 2, 2008

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The bases for the proposed motion/cross-motion are that:

(a) plaintiff failed to file the instant action under Title VII of the Civil Rights Act and the Americans With Disabilities Act within 90 days of receipt of the Right-To-Sue Letter from the Equal Employment Opportunity Commission;

(b) the allegations of plaintiff's Complaint are contradicted by the Right-To-Sue Letter;

(c) the allegations set forth in the Complaint do not entitle plaintiff to relief under Title VII;

(d) plaintiff did not exhaust all federal administrative remedies as to her claims under the Americans With Disabilities Act; and

(e) should the federal statutory causes of action be dismissed, this Court has no supplemental jurisdiction over plaintiff's remaining state law and city law causes of action.

We look forward to conferencing this issue before the Court. Should you have any questions, please contact me.

Respectfully yours,



David H. Allweiss

DHA:dm

cc: VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED

AND FIRST-CLASS MAIL

Felicia Pickett-Johnson

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Bronx, New York 10460

VIA FACSIMILE

Roosevelt Seymour, Esq.

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<i>Request GRANTED. Defendant St. Barnabas Nursing Home may move for judgment on the pleadings herein by letter brief not to exceed eight (8) pages, which shall be filed by 7-8-08 and returnable on 7-18-08.</i>	
SO ORDERED:	
<i>7-2-08</i>	
DATE	VICTOR MARRERO, U.S.D.J.